

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
IMERYS TALC AMERICA, INC., et al.,	:	BK Case No. 19-10289 LSS)
Debtors.	:	
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CYPRUS HISTORICAL EXCESS INSURERS,	:	
Appellant,	:	
v.	:	C. A. No. 19-1120-UNA BAP No. 19-42
INERYS TALC AMERICA, INC.,	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **24th** day of **June, 2019**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, Chief Magistrate Judge Thyngé reviewed the documents filed in these three appeals which involved three separate orders issued by the Honorable Laurie Silverstein of Bankruptcy Court on (1) June 3, 2019 in 19-1120 (Order Appointing James L. Patton as Legal Representative for Future Talc Personal Injury Claimants), (2) June 3, 2019 in 19-1122 (Order Denying Motion to Compel Debtors' Responses to Discovery) and (3) June 6, 2019 in 19-1121 (Order Authorizing the Future Claimants' Representative to Retain and Employ Young, Conaway, Stargatt & Taylor, LLP as his Attorneys) to determine the appropriateness of mediation in these

matters. These appeals were filed on June 18, 2019.

Previously, in a related matter, 19-944 MN, the court recommended withdrawal after receiving a joint submission by the parties regarding the appropriateness of mediation.

In the present appeals, the court did not request a joint submission by the parties, and is issuing this Recommendation *sui sponte* since the issues on appeal address purely legal matters, are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense or delay resulting from this process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), these matters be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties are advised they may file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

If no objections are to be filed to this Recommendation, counsel shall submit a proposed briefing schedule for these appeals on or before Wednesday, July 10, 2019.

/s/ Mary Pat Thyng

Chief U.S. Magistrate Judge